

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

STEVEAN JOHNSON

Plaintiff,

v.

CONTINENTAL AIRLINES, INC.

Defendant.

Civil Action No. 04-10902 (NMG)

**NOTICE OF MOTION
AND MOTION TO ALTER OR AMEND JUDGMENT
AND CONSOLIDATE TWO SIMILAR CIVIL ACTIONS**

Plaintiff Stevan Johnson ("Johnson"), files this Motion pursuant to Fed. R. Civ. P. 59(c) seeking to have the Court alter or amend Its Order entered on January 18, 2005 dismissing the above-captioned civil action. Instead, Johnson seeks to have the Court vacate the Order entered on January 18, 2005 and enter an order Consolidating this civil action (04-10902 (NMG)) with civil action no. 03-11992 (PBS) filed on October 14, 2003 in the District of Massachusetts.

I.

The basis for this Motion is that the instant action and civil action no. 03-11992 (PBS) are substantially identical, involve the same parties and raise common questions of fact and law. Fed. R. Civ. P. 42(a). Therefore, consolidation of these matters would (1) eliminate the potential for parallel proceedings in the Court of Appeals; (2) reduce the

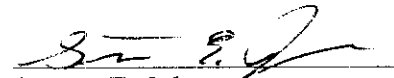
potential of prejudice to either party and; (3) avert a substantial waste of judicial resources.

Johnson would also request the Court to consider that he received no notice of the Courts impending decision to dismiss the instant action, based on grounds outside of those raised in the Defendant's Motion (Docket Item No. 6), thereby depriving the Plaintiff of a reasonable and fair opportunity to present pertinent material such as a Motion to Consolidate.

II.

For the above reasons, Plaintiff requests this Court vacate Its previous Order of Dismissal and enter an Order of Consolidation for the (2) two civil actions involving Johnson v. Continental Airlines filed in the United States District Court for the District of Massachusetts.

Respectfully Submitted,

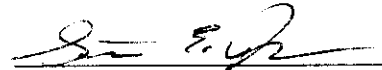


Stevan E. Johnson
P.O. Box 121
Boston, MA 02117

PRO SE

LOCAL RULE 7.1 STATEMENT

Pursuant to Local Civil Rule 7.1, Plaintiff, Stevan Johnson, hereby certifies that he conferred with counsel of record for Defendant, Continental Airlines, Inc., prior to filing Plaintiff's Motion.

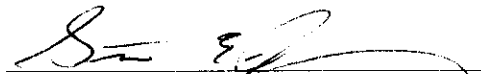


Stevan E. Johnson
Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true copy of the above document was served upon the attorney of record for Defendant, Continental Airlines, Inc., by depositing same in the United States Mail, First Class, on this the 21st, day of January, 2005 and addressed as follows:

Epstein, Becker, & Green, P.C.
Attn: David S. Rubin, Esq.
111 Huntington Avenue
Boston, MA 02199



Stevan E. Johnson

Pro Se